

THE NATIONAL ARCHIVES
LITTERA
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MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 5 NUMBER 188

Washington, Thursday, September 26, 1940

The President

EXECUTIVE ORDER

CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

WHEREAS coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

WHEREAS such planning must be accomplished as a matter of preparation for national defense; and

WHEREAS the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the Communication Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board," hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

a. The needs of the armed forces of the United States, of other government-

tal agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

b. The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

c. The measures of control, the agencies to exercise this control, and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as

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THE PRESIDENT

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall

express by written report their findings and recommendations. Minority resufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 24, 1940.

[No. 8546]

[F. R. Doc. 40-4004; Filed, September 24, 1940;
3:49 p. m.]

EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. sec. 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by renumbering sections IX-9, IX-10, and IX-8 as sections IX-8, IX-9, and IX-10, respectively, and by prescribing the following as Chapter XX thereof:

CHAPTER XX—MISCELLANEOUS

XX-1. *Submission of reports on catastrophes abroad.* Whenever a great catastrophe occurs abroad, either on land or on sea, the officer within whose district the catastrophe takes place or into whose district the survivors are brought shall report immediately by telegraph the names of any American citizens who have been killed or injured and the names of American citizens known to be safe.

XX-2. *Submission of reports on rescues at sea.* Whenever a consular officer receives authentic information that the master or crew of any vessel, American or foreign, has rescued seamen or citizens of the United States from shipwreck or some other catastrophe at sea, he shall immediately transmit to the Department of State a detailed report concerning the rescue and shall make recommendations with reference to the giving of rewards to officers and members of the crew who have distinguished themselves in effecting the rescue.

XX-3. *Services for distressed American citizens abroad.* Officers of the Foreign Service shall extend every possible aid and assistance within their power to distressed American citizens within their districts, but they shall not expend the funds nor pledge the credit of the Government of the United States for this purpose, except in the case of American seamen, or except upon the receipt of express authorization from the Department of State to do so.

XX-4. *Restriction against extension of personal financial aid to Americans abroad.* Officers of the Foreign Service shall not make personal loans to American citizens or others who have no personal claim upon them, nor shall they obligate their personal credit for such persons, either by endorsing notes, bills of exchange, or other negotiable instruments or by assuming any form of financial responsibility.

XX-5. *Restriction against acceptance of private property for storage or safekeeping.* Except in a public emergency, no officer of the Foreign Service shall accept private property for storage or safekeeping in the office or for transmission to some other destination, unless it is property belonging to the estate of a deceased American citizen, or property over which the officer has jurisdiction as a result of a catastrophe at sea. In public emergencies, officers may accept private property for storage and safekeeping or for transmission to another destination, provided the owner signs a statement to the effect that the property is being accepted for deposit at his request, at his own risk, and with full knowledge that neither the Government of the United States nor any of its officers assumes responsibility therefor.

XX-6. *Assistance to American Red Cross.* Officers of the Foreign Service may cooperate fully with the American Red Cross within the limits of their districts, but they shall not take an active part in the solicitation of memberships or the collection of funds, nor shall they assume any responsibility for the activities of this organization.

XX-7. *Presentation of Americans at foreign courts.* The chief of the mission concerned may exercise his discretion in the matter of procuring the presentation

of American citizens at the court of the country to which he is accredited.

Cancellation of Regulations

The following provisions of the Foreign Service Regulations are hereby canceled:

Part I

Sections XI-9, XI-10, and XI-12.

Part II

Sections XIX-327, XIX-328, XIX-329, XXIII-416, XXIV-457, XXIV-457A, and XXIV-458.

Chapter XXX.

Revocation of Executive Order

Executive Order No. 4530, dated October 26, 1926, is hereby revoked.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 24, 1940.

[No. 8547]

[F. R. Doc. 40-4015; Filed, September 25, 1940;
11:54 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE NORTH CAROLINA WILDLIFE MANAGEMENT AREA NORTH CAROLINA

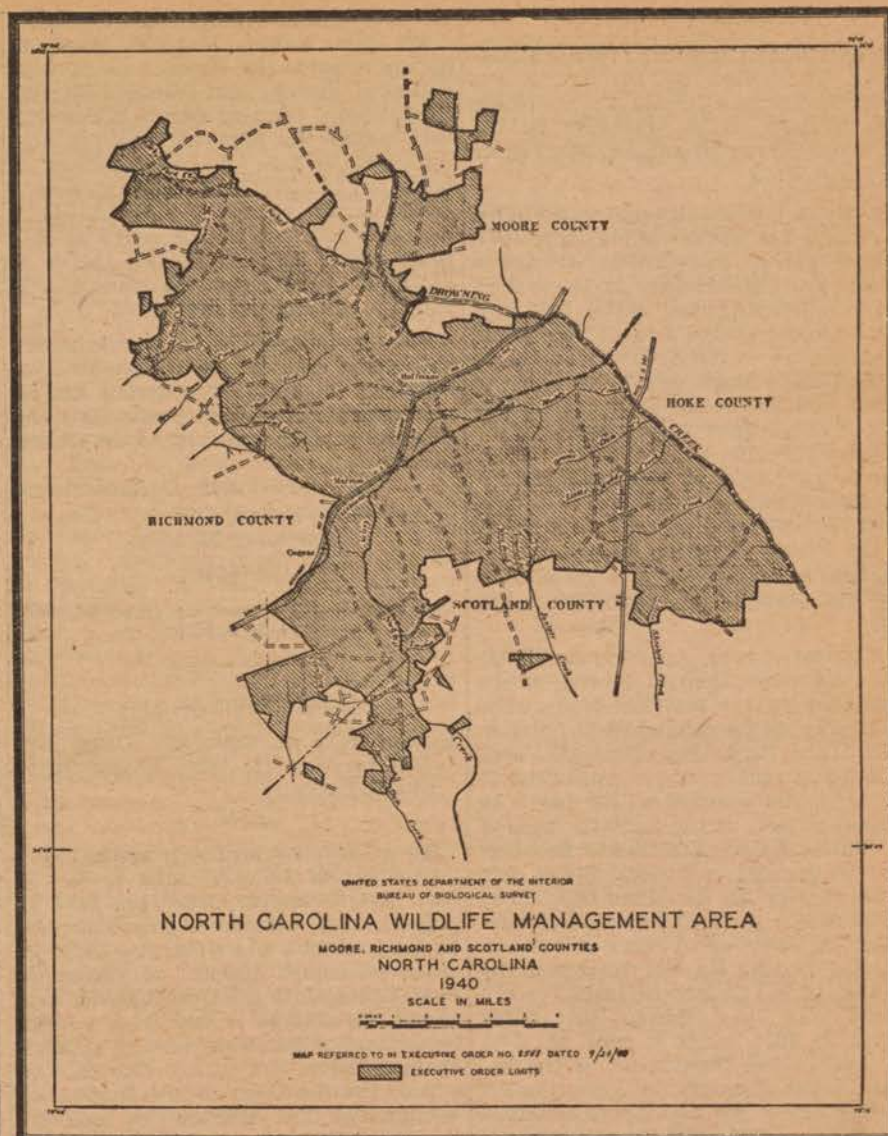
WHEREAS certain lands in the State of North Carolina, together with the improvements thereon, have been, or are in process of being, acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 525), in connection with the Sandhills Land Utilization and Land Conservation Project, LA-NC-3; and

WHEREAS by Executive Order No. 7908¹ of June 9, 1938, all the right, title, and interest of the United States in such lands as were acquired, or are in process of acquisition, under Title II of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition under said acts, the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the reservation of such lands as a refuge and breeding ground for native birds and other wildlife and for research relating to wildlife and associated forest resources would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 32,

¹ 3 F. R. 1389.



Title III of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, and upon recommendation of the Secretary of Agriculture, it is ordered (1) that, subject to valid existing rights, jurisdiction over the lands, together with the improvements thereon, acquired, or in process of acquisition, by the United States within the area shown on the diagram attached hereto and made a part hereof, comprising 58,900 acres, more or less, in Moore, Richmond, and Scotland Counties, North Carolina, be, and it is hereby, transferred to the Department of the Interior, together with such equipment in use in connection with such lands as may be designated by the Secretary of Agriculture; and (2) that the said area be, and it is hereby, reserved as a refuge and breeding ground for native birds and other wildlife and for research relating to wildlife and associated forest resources, under such conditions of use and administration as will best carry out the purposes of the land-conservation and land-utilization program for which such lands have been and are being acquired; *Provided, how-*

ever, (1) that such lands shall remain available to the State of North Carolina for use and management by its Department of Conservation and Development, under the custody of the Fish and Wildlife Service of the Department of the Interior, so long as there remains in force and effect a cooperative and license agreement between the United States of America and the State of North Carolina providing for such use and management; and (2) that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

This reservation shall be known as the North Carolina Wildlife Management Area.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 24, 1940.

[No. 8548]

[F. R. Doc. 40-4018; Filed, September 25, 1940;
11:54 a. m.]

EXECUTIVE ORDER

DESIGNATING THE SECRETARY OF THE TREASURY TO ACCEPT ON BEHALF OF THE UNITED STATES A CERTAIN TRACT OF LAND AUTHORIZED TO BE CONVEYED TO THE UNITED STATES BY THE LEGISLATURE OF PUERTO RICO

By virtue of the authority vested in me by section 7 of the act of March 2, 1917, 39 Stat. 954, an act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," and as President of the United States, I hereby designate the Secretary of the Treasury on behalf of the United States and in my stead to accept from the people of Puerto Rico by deed of conveyance, and to devote to the purposes of the United States Coast Guard, the parcel of land and the improvements thereon authorized to be conveyed to the United States by Act No. 87 of the Fourth Regular Session of the Fourteenth Legislature of Puerto Rico, approved April 29, 1940, described as follows:

"A parcel of land, including the buildings constructed thereon, located at the place known as 'La Puntilla', of the ward 'La Marina' of the municipal jurisdiction of San Juan, Puerto Rico, having an area of 18,152.08 square meters equivalent to 4.48 acres and bounded on the north by Princesa Street; on the south by lands of the United States Lighthouse Reservation; on the east by Presidio Street, and on the west by the San Juan Bay (mean low water line) and more particularly described by metes and bounds as follows: 'Starting at point No. 5 of the plan in the office of the Lighthouse Inspector, 9th district, San Juan, Puerto Rico, dated August 31, 1915, which is point No. 1 of the plan of the Department of the Interior, dated February 20, 1940; thence, by the limit of the Lighthouse Reservation (U. S. Naval Station) which is the eastern margin of the prolongation of Presidio Street; with a bearing of S 5°35' E and a distance of 54.18 meters to point No. 4 of the Lighthouse Inspector's plan and point No. 2 of the plan of the Department of the Interior; thence, along an ornamental fence which marks the boundary between federal and insular property, bearing S 83°35' W and 28.10 meters to point No. 3; thence, along a barbed-wire fence bearing S 65°28' W and 11.41 meters to point No. 4, on the mean low water line of the San Juan Bay; thence, along this mean low water line, with the following bearings and distances: N 27°20' W—39.54 meters to point No. 5; N 30°11' W—32.35 meters to point No. 6; N 21°37' W—90.90 meters to point No. 7; N 0°41' W—42.84 meters to point No. 8; N 9°53' E—95.38 meters to point No. 9; N 31°36' W—30.42 meters to point No. 10 at the southern edge of a concrete slab that covers a sewer pipe; thence, along the edge of said concrete slab, N 70°39' E—12.67 meters to point No. 11, situated at the southeast corner of the aforementioned slab; thence, N 77°39' E—16.08 meters to point No. 12, at the

south margin of Princesa Street; thence, along said margin N 83°50' E—27.62 meters to point No. 13, at the southwest corner of Presidio and Princesa Streets; thence, along the west margin of Princesa Street with the following bearings and distances: S 5°23' E—143.48 meters to point No. 14; S 5°5' E—94.50 meters to point No. 15; thence N 82°44' E—11.86 meters to point No. 16; thence S 5°31' E—24.69 meters to point No. 17; thence N 84°25' E—10.00 meters to point No. 1, which is the point of departure.'"

The Secretary of the Treasury is hereby authorized and directed to exercise on behalf of the United States any and all requirements necessary to effectuate the conveyance of the property to the United States.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

September 24, 1940.

[No. 8549]

[F. R. Doc. 40-4017; Filed, September 25, 1940; 11:54 a. m.]

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 3271 OF MAY 11, 1920, WITHDRAWING PUBLIC LANDS

UTAH

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 3271 of May 11, 1920, withdrawing certain public lands in Box Elder County, Utah, in order to adjust disputes of claims of patentees against the United States and among themselves arising from alleged incomplete or erroneous surveys, is hereby modified to the extent necessary to permit the Secretary of the Interior to consummate the exchanges of land involved in applications 050048, 050955 and 050276 Salt Lake City, Utah series, under Public Resolution No. 84 of February 15, 1929, c. 219, 45 Stat. 1186, in order to effectuate the purposes contemplated by the act of April 23, 1928, c. 413, 45 Stat. 448, authorizing the establishment of Bear River Migratory Bird Refuge, for which lands were set apart by Proclamation No. 2012, dated September 26, 1932.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

September 24, 1940.

[No. 8550]

[F. R. Doc. 40-4016; Filed, September 25, 1940; 11:54 a. m.]

EXECUTIVE ORDER

ORDERING CERTAIN UNITS AND MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

By virtue of the authority conferred upon me by Public Resolution No. 96, 76th Congress, approved August 27, 1940, and

the National Defense Act of June 3, 1916, as amended (39 Stat. 166), and as Commander-in-Chief of the Army and Navy of the United States, I hereby order into the active military service of the United States, effective October 15, 1940, the following units and members of the National Guard of the United States to serve in the active military service of the United States for a period of twelve consecutive months, unless sooner relieved:

UNITS

All Federally recognized elements of:

27th Division, less 27th Tank Company
37th Division, less 37th Tank Company
and Companies F & I, 112th Medical Regiment
32nd Division, less 32nd Tank Company
102nd Observation Squadron
153rd Observation Squadron
107th Observation Squadron
295th Infantry
296th Infantry
Hq. and Hq. Company, 92nd Infantry Brigade
1st Battalion, 253rd Coast Artillery (155mm Gun)
1st Battalion, 162nd Field Artillery (75mm Gun, Trk-d)
1st Battalion, 201st Coast Artillery (Anti-aircraft)
1st Battalion, 130th Engineers (Combat)
298th Infantry
299th Infantry

MEMBERS

All members, both active and inactive, of the units listed above.

All persons so ordered into the active military service of the United States are, from the effective date of this order, relieved from duty in the National Guard of their respective States so long as they shall remain in the active military service of the United States, and during such time shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army whose permanent retention in the active military service is not contemplated by law.

Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned or holding warrants in the Army of the United States, and affected by this order, are hereby ordered to active duty under such appointments and commissions or warrants.

All officers and warrant officers of the National Guard, appointed in the National Guard, who shall have been Federally recognized or examined and found qualified for Federal recognition, and shall have been assigned to units ordered to active duty under this order prior to the effective date hereof, who do not hold appointments in the National Guard of the United States in the same grade and arm or service in which they respectively have been most recently Federally recognized or have been most recently examined and found qualified for Federal

recognition, are hereby tendered appointments in the National Guard of the United States in the same grade and arm or service in which they shall have been most recently Federally recognized or examined and found qualified for Federal recognition.

Warrant officers and enlisted men of the National Guard who hold appointments as officers in the National Guard of the United States and commissions in the Army of the United States, and are assigned to units ordered to active duty under this order prior to the effective date hereof, are hereby ordered to active military service as commissioned officers of the Army of the United States under those appointments and commissions.

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE,
September 25, 1940.

[No. 8551]

[F. R. Doc. 40-4014; Filed, September 25, 1940;
11:54 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-12]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART B—1940

Amendments

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program Bulletin, as amended, is hereby further amended as follows:

1. Paragraph (u) of § 701.103¹ is hereby amended to read as follows:

(u) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region, except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or syrup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota, except in counties designated by the Agricultural Adjustment Administration as counties in which, because of drought, the use of sweet sorghums for silage is necessary for conservation of available feed supplies.

¹ 4 F. R. 3867.

2. Section 701.109² is hereby amended to read as follows:

§ 701.109 *Materials furnished as grants of aid.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out soil-building practices approved for the farm as practices which may be counted toward meeting the soil-building goal for the farm.

Wherever such material is furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration as grants of aid to be approved by the Secretary. In the Northeast, East Central, and Southern Regions such deduction shall be applied first to the payment computed with respect to the same or any other farm in the county for the person to whom such material is furnished and the balance of such deduction, if any, shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained. In the North Central and Western Regions such deductions shall be made from any payment due the grantee on the same or any other farm.

Materials shall be furnished only pursuant to a producer's request and agreement upon Form ACP-64. In the event the amount of deduction for materials exceeds the amount of the payment subject to deduction, the amount of such difference shall be paid by the producer to the Secretary, except that if proper use of all of the material has been made only that part of such difference not due to changes in the rates of payment shall be so paid. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made to compensate the Government for damages because of such misuse, such damages to be deducted from the payments computed for the grantee with respect to any farm in which he has an interest, any remaining deficit to be paid by the producer to the Secretary: *Provided*, That in the Northeast, East Central, and Southern Regions, deduction for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such material was furnished. The finding of the county committee that the material has been used in a manner which is not in substantial accord with the purpose for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the

² 5 F. R. 1326.

State committee, subject to the right of appeal under the provisions of § 701.112.

Notwithstanding any other provisions herein, (1) in areas designated by the Agricultural Adjustment Administration for any farm on which no performance is rendered under the 1940 program, except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm, and (2) if the payments for a landlord or operator in the county are less than the deduction for grant of aid received by him and a part or all of such deficit is because of a reduction in payment as provided in paragraph (c) of § 701.110, then only such part of the deficit as is not due to such reduction will be deducted from the payment for other persons on the farm.

Done at Washington, D. C., this 25th day of September 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4008; Filed, September 25, 1940;
11:08 a. m.]

TITLE 8—ALIENS AND CITIZENSHIP

[General Order No. C-2, Supp. 7]

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

DISCONTINUANCE OF PORT ANGELES AIRPORT AS A DESIGNATED PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

SEPTEMBER 23, 1940.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)) and Section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Port Angeles Airport, Port Angeles, Washington, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded.

Section 3.3 (b), Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by striking Port Angeles, Washington, Port Angeles Airport from the list of temporary ports of entry for aliens arriving by aircraft.

[SEAL] ROBERT H. JACKSON,
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the
Attorney General.

[F. R. Doc. 40-4005; Filed, September 24, 1940;
4:13 p. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" AND ESTABLISHMENT OF RULES AND REGULATIONS FOR MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN RESALE OF COAL, OF PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

ORDER DETERMINING MAXIMUM DISCOUNTS AND RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS AND RULES AND REGULATIONS FOR REGISTRATION OF BONA FIDE AND LEGITIMATE FARMERS' COOPERATIVE ORGANIZATIONS

A proceeding having been instituted pursuant to the Bituminous Coal Act of 1937 for the purpose of prescribing due and reasonable maximum discounts allowable by code members to distributors and bona fide and legitimate farmers' cooperative organizations and of establishing rules and regulations for the maintenance and observance by distributors and bona fide and legitimate farmers' cooperative organizations, in the resale of coal, of the minimum prices and marketing rules and regulations to be established in accordance with the provisions of Section 4 II (h) of the Act;

The Director of the Bituminous Coal Division of the United States Department of the Interior having prescribed maximum discounts and having established rules and regulations for distributors and bona fide and legitimate farmers' cooperative organizations and having made Findings of Fact, Conclusions and Opinion in connection therewith and having entered an Order thereon;

Exceptions to the Findings of Fact, Conclusions and Opinion and Order of the Director having been filed with the Secretary of the Interior, together with supporting briefs, and

The Secretary of the Interior having made and entered his Findings of Fact, Conclusions and Opinion in this matter,

It is therefore ordered, That the Order of the Director prescribing maximum discounts and establishing rules and regulations for distributors and bona fide and legitimate farmers' cooperative organizations is hereby approved and adopted, except that the schedule of maximum discounts prescribed by the Director shall be changed so as to provide the following:

"In addition to the allowance of a discount not in excess of the maximum prescribed herein, a Code member may reimburse a registered distributor for such tax upon the resale of the coal by the registered distributor as has actually been paid by the latter under the Retailers' Occupation Tax of the State of Illinois, such reimbursement to be made, however, only upon satisfactory showing

to the Code member by the registered distributor that such payment has actually been made by him."

Dated, September 23, 1940.

[SEAL]

HAROLD L. ICKES,
 Secretary of the Interior.

[F. R. Doc. 40-4003; Filed, September 24, 1940; 2:32 p. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER III—BUREAU OF PUBLIC DEBT

[1940 Department Circular No. 641]

OFFERING OF UNITED STATES OF AMERICA
 2 PERCENT TREASURY BONDS OF 1953-55

SEPTEMBER 25, 1940.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1953-55, in payment of which only Treasury Notes of Series C-1940, maturing December 15, 1940, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series C-1940 tendered and accepted.

II. DESCRIPTION OF BONDS

1. The bonds will be dated October 7, 1940, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on December 15, 1940, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1955, but may be redeemed at the option of the United States on and after June 15, 1953, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an

amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate \$5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for bonds allotted hereunder must be made or completed on or before October 7, 1940, or on later allotment, and may be made only in Treasury Notes of Series C-1940, maturing December 15, 1940, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1940, must be attached to the notes when surrendered, and accrued interest from June 15, 1940 to October 7, 1940 (\$4.67213 per \$1,000) will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and

they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 40-4007; Filed, September 25, 1940;
10:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 202—ANCHORAGE REGULATIONS¹

§ 202.65 Tampa Bay, Fla.

THE ANCHORAGE GROUNDS

(a) The area in Tampa Bay, Florida, described below is hereby established as a quarantine anchorage for vessels, and the following rules and regulations relating thereto are hereby adopted:

A rectangular area two nautical miles in length and 2,000 feet in width, the northwesterly corner of this area being located approximately 4,000 feet northwesterly of Hillsboro Bay Cut A range, and 300 feet east of Tampa Bay Cut E range produced northerly; the northerly line of this area bears 71° (North 71° East) from this northwesterly corner for a distance of two nautical miles. This northerly line will be marked by three yellow can buoys, one at each end and one in the middle. (Sec. 7, River and Harbor Act, Mar. 4, 1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs., Aug. 27, 1940 (E.D. 6700 (Tampa Bay, Florida) 6/6)]

NOTE: * * *

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-4006; Filed, September 24, 1940;
4:33 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. FD-A-3]

IN THE MATTER OF PETITION OF CITY OF NEW YORK, FOR RELIEF IN RESPECT TO RULES 1 (B), 1 (G), AND 1 (I) OF SECTION VII OF THE MARKETING RULES AND REGULATIONS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER PROVIDING FOR DECISION OF 4 II (d) PETITION ON BASIS OF AFFIDAVIT FILED UNLESS HEARING IS REQUESTED AND FOR HEARING IN EVENT OF REQUEST THEREFOR

A petition, pursuant to the provisions of section 4, II (d) of the Bituminous

Coal Act of 1937, for certain amendments to and modifications of the Marketing Rules and Regulations Incidental To The Sale and Distribution of Coal by Code Members Within All Districts, having been filed by the City of New York, State of New York, with the Bituminous Coal Division, Department of the Interior, on September 20, 1940; and

An affidavit of Frank X. Sullivan, Commissioner, Board of Transportation of the City of New York, having been filed together with such petition in support thereof;

It is ordered, That said petition will be decided by the Director of the Bituminous Coal Division on the basis of the affidavit filed in support thereof, unless any interested person files with the Bituminous Coal Division on or before September 27, a request for a hearing on said petition;

It is further ordered, That in the event any interested person requests a hearing on said petition, a hearing in respect of the subject matter of said petition be held on September 30, 1940, at 10:00 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such date, Chief of the Records Section in Room 502, will advise as to the room where such hearing will be held;

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

The aforesaid petition and affidavit in support thereof shall be subject to examination and inspection, during business hours, by all interested persons, in the office of the Records Section, Room 502, 734 Fifteenth Street NW., Washington, D. C.

The matter concerned herewith is in regard to a petition of the City of New York, State of New York, for amendments to and modifications of Marketing Rules and Regulations Incidental To The Sale and Distribution of Coal by Code Members Within All Districts, and for a preliminary or temporary order pending a final order of the petition. Said petition requests that the said Marketing Rules and Regulations be modified in the following particulars:

1. That Rule 1 (B) of Section VII be modified so as to provide that on tide-

water cargo shipments of coal sold to the City of New York, the date of payment shall be not less than sixty (60) days as provided in Section VII, Rule 1 (D) for lake cargo shipments.

2. That Rule 1 (G) of Section VII be modified so as to permit the Comptroller of the City of New York to withhold payment for coal in order to satisfy liens and claims duly filed with his office against the seller of coal, until the seller posts a bond or other security for the payment of such liens or claims.

3. That Rule 1 (I) of Section VII be modified so as to provide that the rate of interest to be charged under said rule need not be in excess of the maximum rate of interest established by the State of New York as governing such interest payments (Chap. 594, The Law of 1939).

All persons are hereby notified, That the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated, September 23, 1940.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 40-4002; Filed, September 24, 1940;
2:31 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. SA-20]

INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 17365, WHICH OCCURRED NEAR KLONDIKE, INDIANA, ON SEPTEMBER 17, 1940

NOTICE OF HEARING¹

Notice is hereby given that a public hearing in connection with the above entitled matter will be held in the Federal Building, Lafayette, Indiana, at 9:00 A. M. (C.S.T.), Friday, September 27, 1940.

ROBERT W. CHRISP,
Examiner.

[F. R. Doc. 40-4019; Filed, September 24, 1940;
12:04 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4149]

IN THE MATTER OF CONTINENTAL BAKING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1940.

¹ Issued by Civil Aeronautics Board.

¹ § 202.65 (a) is revised.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 8, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4009; Filed, September 25, 1940;
11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-411]

IN THE MATTER OF DISTRICT BOND COMPANY \$25 PAR VALUE COMMON STOCK ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1940.

The District Bond Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its \$25 Par Value Common Stock from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, October 28, 1940, at the office of the Securities and Exchange Commission, United States Post Office and Court-house Bldg., Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4012; Filed, September 25, 1940;
11:33 a. m.]

[File No. 31-488]

IN THE MATTER OF HARRIS TRUST AND SAVINGS BANK ORDER GRANTING CONTINUANCE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1940.

The Commission having heretofore on September 11, 1940, ordered that a hearing¹ be held in the above matter at the Commission's Washington office on October 7, 1940; and

The applicant, Harris Trust and Savings Bank, having filed a motion and affidavit in support thereof for the resetting of said hearing to a later date in order that counsel for the applicant might have sufficient time in which to prepare evidence to be presented at said hearing; and

The Commission being of the opinion that a reasonable continuance should be granted;

It is therefore ordered, That the hearing in the above matter originally set for October 7, 1940, is hereby reset for November 12, 1940 at the same place as designated in the order of September 11, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4013; Filed, September 25, 1940;
11:33 a. m.]

[File No. 37-51]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.), EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND, DELMARVA POWER COMPANY, MARYLAND LIGHT AND POWER COMPANY, EASTERN SHORE PUBLIC SERVICE COMPANY OF VIRGINIA

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1940.

Eastern Shore Public Service Company (Del.), a registered holding company, has filed an application pursuant to the second sentence of Section 13 (a) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of the first sentence of section 13 (a);

Eastern Shore Public Service Company of Maryland, Delmarva Power Company, Maryland Light and Power Company, and Eastern Shore Public Service Company of Virginia, and each of them, wholly-owned utility subsidiaries of the above mentioned Eastern Shore Public Service Company (Del.), have joined in the application seeking an order pursuant to section 13 (b) of said Act, allowing them to perform certain services for each other and for Eastern Shore Public Service Company (Del.);

The application states that Eastern Shore Public Service Company (Del.) and its four subsidiaries operate as a unit, Delmarva Power Company furnishing substantially all of the electric energy consumed by the entire group, the other subsidiaries on occasion exchanging equipment and personnel, and Eastern Shore Public Service Company (Del.) assuming principal responsibility for certain services, records, accounts and allocation of costs among the corporate entities;

It is ordered, That a hearing on such matters under the applicable sections of said Act be held on October 17, 1940, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 11, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4011; Filed, September 25, 1940;
11:32 a. m.]

[File Nos. 70-150, 70-151]

IN THE MATTER OF GEORGIA POWER AND
LIGHT COMPANY AND FLORIDA PUBLIC
SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1940.

Georgia Power and Light Company, a subsidiary of Southeastern Electric and Gas Company, a registered holding company, has filed an application under the Public Utility Holding Company Act of 1935 for an order pursuant to Section 9 (c) (3) of the Act granting exemption from Section 9 (a) (1) of the Act of the acquisition from appliance dealers of customers' installment paper. The application states that this installment paper (running for a maximum of not exceeding sixty months) is to be acquired from time to time but will not at any time exceed \$50,000 aggregate amount acquired from dealers;

Florida Public Service Company, a subsidiary of Southeastern Electric and Gas Company, a registered holding company,

has filed an application under the Public Utility Holding Company Act of 1935 for an order pursuant to Section 9 (c) (3) of the Act granting exemption from Section 9 (a) (1) of the Act of the acquisition from appliance dealers of customers' installment paper. The application states that this installment paper (running for a maximum of not exceeding sixty months) is to be acquired from time to time but will not at any time exceed \$300,000 aggregate amount acquired from dealers;

It appearing that the above described applications are concerned with common questions of law and fact and that the interests of applicants and the public may best be served by a consolidated hearing on said applications;

It is ordered, That a hearing on such matter under the applicable sections of said Act be held on October 14, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown

why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 8, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4010; Filed, September 25, 1940;
11:32 a. m.]

